

November 2004 Elections

Candidacy Requirements

For Local Offices

2004 ELECTION CALENDAR

This bulletin applies to any local offices elected in November.

ELECTION TYPE	ELECTION DATE	⁴ DEADLINES (PERIODS) FOR FILING			LAST DAY TO REGISTER TO VOTE	DEADLINE TO APPLY FOR ABSENTEE BALLOT
		² CANDIDATE DECLARATIONS/ PETITIONS	² OTHER CANDIDATE FORMS	³ PARTY CHAIRS CERTIFY CANDIDATES		
¹ Primary	June 8	March 23 noon to April 9 5:00 p.m.	April 9 5:00 p.m.	April 14 5:00 p.m.	May 10 5:00 p.m.	By Mail: June 3 In Person: June 5
		PARTY NOMINATIONS, OTHER THAN BY PRIMARY ELECTION, MAY BE MADE NO EARLIER THAN MAY 7 AND MUST BE COMPLETED BY 7:00 P.M., JUNE 8.				
² General	November 2	Independent (Non-Party Candidates ONLY) June 8 7:00 p.m.	ALL Candidates June 8 7:00 p.m.	June 14 5:00 p.m.	October 4 5:00 p.m.	By Mail: October 28 In Person: October 30

¹Notification of adoption of primary must be filed with the State Board of Elections by the party chair for the election district no sooner than **February 19, 2004** nor later than **March 10, 2004**.

NO PRIMARIES PERMITTED FOR ELECTED SCHOOL BOARD. Virginia law requires candidates for this office to file as independents. NO political party may nominate any candidate for elected school board. However, a political party may endorse a candidate for this office. Candidates for elected school board must follow either the General Election or for a vacancy, the appropriate Special Election schedule.

²See the following pages for specifics as to forms required and where they are to be filed. Bulletin and forms are available on our website: WWW.SBE.STATE.VA.US OR for a \$10.00 prepaid fee, from the State Board of Elections. Make checks payable to: State Board of Elections (include the office and, if applicable, district in which you will seek election.)
VOICE: 804-864-8901 Toll-free: 800-552-9745 TTY: Toll-free 800-260-3466.

³Forms for use in certification will be mailed to Party Chairs by State Board of Elections.

⁴Candidates for special elections held on November 2, 2004 to fill vacancies in local offices which occurred on or after July 7, 2003 and prior to November 4, 2003 must file all required forms **no later than 7:00 p.m. on June 8, 2004**. For such vacancies occurring on or after November 4, 2003 and prior to July 6, 2004 (July 5 is a Holiday), the **deadline for all candidates** to file all required forms and for political parties to **nominate and certify** nominees is **5:00 p.m., August 20, 2004**.

ON ANY ELECTION DAY - WHETHER GENERAL, PRIMARY, OR SPECIAL - THE POLLS ARE REQUIRED TO OPEN AT 6:00 A.M. AND CLOSE AT 7:00 P.M.



INTRODUCTION

This bulletin and all required forms are available on our web site:

WWW.SBE.STATE.VA.US

Each document is explained in Item VI on Pages 4, 5 and 6 herein.

Filing deadlines and the officer with whom the qualifying forms are filed are addressed for each candidate type, i.e., Primary Candidate, Party Candidate Nominated By Method Other Than A Primary and Independent (Non-Party) candidate.

Your particular attention is called to Item III on Page 2. This section addresses advertising and campaign material identification.

Should you have questions relating to your candidacy, please do not hesitate to call us. Our toll-free number is 800-552-9745. You also can reach us at 804-786-6551.





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I. LOCAL OFFICES

Listed below are the offices to which this bulletin applies:

A. Constitutional Offices

The deadlines in this bulletin apply to the offices of Clerk of Court, Commonwealth's Attorney, Sheriff, Commissioner of Revenue and Treasurer when *no earlier* election date was feasible to fill vacancies in these offices.

These officers serve all residents in the county or city they are elected to represent. In some instances, the officer is shared by a county and one or more cities. When such is the case, the officer represents the residents in all jurisdictions involved in the election.

Example: The Commonwealth's Attorney in the County of Prince William also represents the Cities of Manassas and Manassas Park. This is a county office that is shared by the two cities. Candidates for this office will appear on the ballot in all three jurisdictions.

B. Board of Supervisors or City Council or Town Council

[IF THE OFFICE IS NORMALLY ELECTED IN NOVEMBER]

This county, city or town governing body may be elected either At Large or by district. When members are elected At Large, all voters in the county, city or town vote for the same candidates. If members are elected by district, only voters who reside in the district in which the candidate is running are eligible to vote for that candidate.

C. Mayor [IF THE OFFICE IS NORMALLY ELECTED IN NOVEMBER]

Elected At Large if the city or town charter specifies that this officer is elected by the voters,

D. County School Board or City School Board

[IF THE OFFICE IS NORMALLY ELECTED IN NOVEMBER]

This office only will appear on the ballot if the voters of the county or city approved a referendum changing the method by which school board members are chosen, from appointment by the governing body or School Board Selection Commission to election by the voters. Virginia law requires that these members be elected in the same manner and for the same term as the Board of Supervisors or City Council. The above category explains the manner in which they may be elected.

This election is required by law to be **non-partisan**. This means that no candidate for school board may be nominated by a political party but does not prohibit political endorsement of a non-party candidate.

II. ELECTION DISTRICT

As used herein, election district means the area the candidate will represent if elected. See each local office listed above for details.

III. ADVERTISING AND CAMPAIGN MATERIALS

The Campaign Finance Disclosure Act imposes certain requirements relating to advertising and identification of campaign ads and materials, including sample ballots.

Refer to Chapter 7 the *Summary of the Campaign Finance Disclosure Act* (CFDA) published by the State Board of Elections for specific requirements.

If you have questions on the Act, please call our toll-free line and ask for the Campaign Finance Division.

A. Sample Ballots

Any **sample** of a paper or voting machine **ballot** must contain the words **SAMPLE BALLOT**, the appropriate statement required by the Campaign Finance Disclosure Act and, in addition, must:

- (a) contain the words **SAMPLE BALLOT** in not less than 24 point type; and
- (b) if a **paper ballot**, be printed on paper of a color **other than white**.

B. Posting

Campaign materials may **NOT** be posted on any state-owned right of way [see Page 2 herein]. Contact your County Administrator or City Manager to determine whether local ordinances prohibit or restrict the posting of campaign materials.

C. Violations

If you believe any election law has been violated and you have facts concerning the violation, you should report those facts in writing to the Commonwealth's Attorney in the county or city in which the violation happened.

Violations of state-owned right of way restrictions should be reported to your regional Virginia Department of Transportation office.

IV. VDOT INFORMATION

A “clean” campaign is a sign of the times



Don't “trash” your print budget or throw away volunteer time.

HIGHWAY WORKERS ARE REQUIRED BY LAW TO REMOVE POSTERS AND FLYERS ON SIGNS, GUARDRAILS - OR ANYWHERE ELSE ON STATE-OWNED RIGHT OF WAY. CAMPAIGN PRINT MATERIALS ARE TOO EXPENSIVE TO WIND UP IN THE BACK OF A VDOT TRUCK. AND VOLUNTEER TIME IS TOO VALUABLE TO BE WASTED ON PUTTING UP MATERIALS THAT ARE DESTINED TO COME DOWN.



Don't make highway workers “play politics” on the job.

PICKING UP POLITICAL MATERIALS IS A COSTLY ACTIVITY FOR VDOT. BUT THE COST TO THE CANDIDATE COULD BE EVEN HIGHER. VOTERS DON'T LIKE TO SEE THEIR TAX DOLLARS SUPPORTING SUCH ACTIVITIES. THEY EXPECT TO SEE HIGHWAY WORKERS PATCHING POTHOLES, FILLING LOW SHOULDERS, OR MOWING GRASS.



Don't let campaign materials turn into litter.

MANY VOTERS VOLUNTEER THEIR TIME TO CLEAN UP ROADSIDES IN VDOT'S “ADOPT-A-HIGHWAY” PROGRAM. AFTER SPENDING SEVERAL BACK-BREAKING HOURS BENDING OVER TO PICK UP POLITICAL POSTERS, THEY WON'T FEEL TOO KINDLY TOWARDS THE NAMES AND FACES THAT THEY SEE OVER AND OVER AGAIN.



Don't get “stuck” by bumper stickers.

ONE LITTLE BUMPER STICKER CAN CAUSE A LOT OF EXPENSE. IF APPLIED TO A ROADSIDE SIGN, THE STICKY RESIDUE IS ALMOST IMPOSSIBLE TO REMOVE. THE SIGN MAY HAVE TO BE REPLACED ENTIRELY. THE LARGE GREEN HIGHWAY SIGNS, FOR EXAMPLE, CAN COST UP TO \$800. EVEN A HUMBLE STOP SIGN COSTS MORE THAN \$50. DON'T RISK ALIENATING VOTERS BY DESTROYING THE VERY SIGNS THAT THEIR TAX DOLLARS HAVE PAID FOR.



Don't risk your candidate's image.

IT IS ILLEGAL TO PLACE POLITICAL SIGNS ON STATE-OWNED RIGHT OF WAY. YOU WANT CITIZENS TO VIEW YOUR CANDIDATE AS A LAWMAKER - NOT A LAW-BREAKER.



Don't risk someone's life.

ONE MISPLACED SIGN AT AN INTERSECTION COULD BLOCK A MOTORIST'S VISION - AND COST SOMEONE HIS LIFE. THAT'S WHY VDOT TRAFFIC ENGINEERS REVIEW THE PLACEMENT AND POSITION OF EACH HIGHWAY SIGN TO ENSURE SAFETY - AND TO MINIMIZE “VISUAL CLUTTER”. UNDERSTANDABLY, CAMPAIGN VOLUNTEERS ARE THINKING ABOUT VICTORY - NOT SAFETY. AND THAT COULD POSE A DEADLY PROBLEM.

DO put signs, posters, and other campaign materials anywhere you want on private property with the owner's permission, of course. And because political signs and posters located off the right of way aren't considered “outdoor advertising”, you won't even need a permit.

VDOT - call your local Virginia Department of Transportation office for details.

V. QUALIFICATIONS TO BE A CANDIDATE

A candidate must be:

- ◆ Qualified to vote for and hold the office sought;
- ◆ A resident of the Commonwealth for one year immediately preceding the election;
- ◆ A resident, by the time of filing, of the county, city or town in which he offers for election; and
- ◆ If he is seeking a district seat, a resident of the election district to be represented.

VI. DOCUMENTS REQUIRED TO BE FILED

A candidate must file certain documents in order to qualify to appear on the ballot. Each form is described below. An explanation of who is required to file each item also is provided. Each document can be downloaded from our website:

WWW.SBE.STATE.VA.US/ELECTION/CANDIDATES/FORMS

A. **Statement of Organization for a CANDIDATE** [NOT REQUIRED FOR TOWN OFFICES]

This document is prepared and distributed by the State Board of Elections. **All** candidates **except** those for town offices, are required to file this form. Any individual serving as campaign treasurer must be a qualified voter of the Commonwealth. A candidate may serve as his own treasurer.

Virginia law requires each candidate to provide the name of the financial institution in which he establishes his campaign account and the account number assigned to that account. If no contributions have been received nor any monies spent by the filing deadline applicable to the candidate, this form must list the name of the financial institution the candidate will use when activity occurs. An amended form must be filed when the account is opened.

This document is required to be filed as soon as you receive or expend monies relating to your candidacy or file any form listed in Items B through E of Item VI herein. For further details, see **Starting A Campaign Committee** in the *Summary of the Campaign Finance Disclosure Act* published by the State Board of Elections and also found on our website: www.sbe.state.va.us/Campaign_Finance

B. **Certificate of Candidate Qualification**

This document is prepared and distributed by the State Board of Elections. **All** candidates are required to file this form. If petitions also are required, the Declaration must be filed **at the same time** as the petitions.

VI. DOCUMENTS REQUIRED TO BE FILED (continued)**C. Declaration of Candidacy**

This document is prepared and distributed by the State Board of Elections. It must be filed by primary election candidates and independent (non-party) candidates. If petitions also are required for the office sought, the Declaration must be filed **at the same time** as the petitions.

Candidates for political party nomination by a method **other than a primary** file this declaration and the petitions described below only if so required by the rules of the political party. Contact your county or city chair to determine if they are required.

D. Petition of Qualified Voters

This document is prepared and distributed by the State Board of Elections. Petitions containing at least the number of signatures required for the office sought must be filed **together with** the *Declaration of Candidacy*. Petitions must be filed by all primary and Independent (non-party) candidates.

Petitions **cannot** be circulated until **after** January 1, 2004.

1. Petition Circulator

Petitions can be circulated by either the candidate or another person who is either registered, or eligible to be registered, to vote in the district in which the candidate is seeking election. For At Large seats, by any eligible resident of the county or city in which the candidate is seeking election; for a specific district or ward, by any eligible resident of the **same** district or ward as the candidate.

The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The petition **NEVER** can be left unattended, i.e., left on the counter at a grocery store, restaurant, etc.

2. Number of Signatures Required

Petitions must contain the signatures of at least 125 qualified voters of the district.

Exceptions - If a board of supervisor or school board election district has **1,000 or fewer registered voters as of January 1, 2004**, petitions must contain the signatures of at least **50** qualified voters of the district.

If a town has **more than 1,500 registered voters as of January 1, 2004**, the following signature requirements apply:

- for **At Large seats**, signatures of at least **125** qualified voters of the town;
- for **town district** seats, signatures of at least **25** qualified voters of the town district seat.

VI. DOCUMENTS REQUIRED TO BE FILED (continued)

2. Number of Signatures Required (continued)

Exceptions - If a town has **1,500 or fewer registered voters as of January 1, 2004**, **NO** petition is required.

Call your General Registrar to confirm which signature requirement applies to you.

The State Board recommends that a candidate get at least half again the number of signatures required to assure that enough signers are qualified voters.

E. Statement of Economic Interests

This document is prepared by the Secretary of the Commonwealth and should be available from the Clerk of the governing body, the Clerk of the school board or the Clerk of the City or Town council. It is required to be filed by all candidates for any constitutional office. It is also required to be filed by candidates for board of supervisors, city council, school board and town council in **counties, cities and towns having a population in excess of 3,500**.

Exception - Candidates for re-election to the **same office** need not re-file this form if they met the requirement for filing in January 2004 as officeholders.

NOTE: A person who is appointed to fill a vacancy until it is filled by election must file another Statement of Economic Interests if he becomes a candidate. Although he had to file this document as a condition to assuming the office, another filing is required because he was not elected to the position.

VII. PRIMARY FILING FEE

As the name suggests, this fee is required to be filed **ONLY** by primary election candidates. The amount required to be paid is 2% of the annual salary for the office sought in effect in the year in which the candidate files. Contact the finance officer of the county or city for details.

NOTE: Candidates who are nominated by a political party by a method **other than** a primary election may be required to pay a filing fee. This fee is determined by the rules of the political party. Contact your county or city chair for details.

VIII. FILING DEADLINES AND WHERE TO FILE For A Primary Candidate

Items 1, 2 and 3 must be received by the appropriate *Political Party Chair* by the filing deadline. Postmarks are acceptable **only** for *Items 4 and 5* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

NOTE: Candidates for **constitutional offices** shared by a county and one or more cities must file the Declaration of Candidacy, petitions and receipt indicating payment of filing fee with the Political Party Chair of the County. Candidates for non-shared constitutional offices or county or city governing body must file those documents with the political party chair of their county or city of residence.

PRIMARY FILING FEE

Filing Fee equal to 2% of the annual salary for the office sought in effect on January 1, 2004. Contact the finance finance officer of the county or city.

WHERE TO FILE

Treasurer or Director of Finance of the county or city where the candidate resides

FILING DEADLINE

5:00 p.m.
4/9/2004

REQUIRED FORMS

- *1. Declaration of Candidacy
- *2. Petitions of Qualified Voters
- 3. Receipt for Payment of Primary Filing Fee
- *4. Certificate of Candidate Qualification
- *5. Statement of Economic Interests
- *6. Statement of Organization for a Candidate**

WHERE TO FILE

Chair of the Political Party Committee of the county or city, as appropriate. See **NOTE** at the top of this page.

FILING DEADLINE

No earlier than Noon on 3/23/2004 and no later than 5:00 PM on 4/9/2004

General Registrar of the candidate's county or city of residence

5:00 p.m.
4/9/2004

Electoral Board of the candidate's county or city of residence at the office of the General Registrar

5:00 p.m.
4/9/2004

See DO'S AND DON'TS FOR A PRIMARY ELECTION

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline
MAY NOT have his name printed on the Primary Election ballot.**

* Refer to Pages 4 through 6 herein for details.

** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

IX. FILING DEADLINE AND WHERE TO FILE

**For A Party Candidate
Nominated By Method Other Than A Primary**

*For A General Election
and
For Special Elections to fill vacancies
occurring before November 4, 2003*

Postmarks are acceptable **only** if these documents are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Certificate of Candidate Qualification	General Registrar of the candidate's county or city of residence	7:00 p.m. 6/8/2004
*2. Statement of Economic Interests		
*3. Statement of Organization for a Candidate**	Electoral Board of the candidate's county or city of residence at the office of the General Registrar	7:00 p.m. 6/8/2004

See DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline
MAY NOT have his name printed on the General or Special Election ballot.**

* Refer to Pages 4 through 6 herein for details.

** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

X. FILING DEADLINE AND WHERE TO FILE

**For A Party Candidate
Nominated By Method Other Than A Primary**

*For Special Elections to fill vacancies
occurring on or after November 4, 2003 and before July 6, 2004*

Postmarks are acceptable **only** if these documents are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Certificate of Candidate Qualification	General Registrar of the candidate's county or city of residence	5:00 p.m. 8/20/2004
*2. Statement of Economic Interests		
*3. Statement of Organization for a Candidate**	Electoral Board of the candidate's county or city of residence at the office of the General Registrar	5:00 p.m. 8/20/2004

See DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline
MAY NOT have his name printed on the Special Election ballot.**

* Refer to Pages 4 through 6 herein for details.

** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

XI. FILING DEADLINE AND WHERE TO FILE

For An Independent (Non-Party) Candidate

*For A General Election
and
For Special Elections to fill vacancies
occurring before November 4, 2003*

Items 1 and 2 listed below **must be received** by the *General Registrar* by the filing deadline. Postmarks are acceptable **only** for *Items 3 and 4* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy	General Registrar of the candidate's county or city of residence	7:00 p.m. 6/8/2004
*2. Petitions of Qualified Voters		
*3. Statement of Economic Interests		
*4. Certificate of Candidate Qualification		
*5. Statement of Organization for a Candidate**	Electoral Board of the candidate's county or city of residence at the office of the General Registrar	7:00 p.m. 6/8/2004

See **DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION**

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline
MAY NOT have his name printed on the General or Special Election ballot.**

* Refer to Pages 4 through 6 herein for details.

** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

XII. FILING DEADLINE AND WHERE TO FILE

For An Independent (Non-Party) Candidate

*For Special Elections to fill vacancies
occurring on or after November 4, 2003 and before July 6, 2004*

Items 1 and 2 listed below **must be received** by the General Registrar by the filing deadline. Postmarks are acceptable **only** for Items 3 and 4 and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy	General Registrar of the the candidate's county or city of residence	5:00 p.m. 8/20/2004
*2. Petitions of Qualified Voters		
*3. Statement of Economic Interests		
*4. Certificate of Candidate Qualification		
*5. Statement of Organization for a Candidate**	Electoral Board of the candidate's county or city of residence at the office of the General Registrar	5:00 p.m. 8/20/2004

See DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline
MAY NOT have his name printed on the Special Election ballot.**

* Refer to Pages 4 through 6 herein for details.

** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

XIII. NOTICE OF DEFICIENCIES IN DECLARATION OR PETITIONS

An independent [non-party] candidate may request notification of any problems with his filing that can be corrected before the filing deadline. This request **must be in writing** as required by § 24.2-505 of the *Code of Virginia*.

This letter must be addressed to the Secretary of the Electoral Board of the candidate's county or city of residence. It must accompany the declaration of candidacy and, if required, the petitions filed with the General Registrar.

The written request **does not guarantee** timely response. Certain factors, such as the number of filings, may affect the electoral board's ability to comply with the request. It is suggested that documents be filed **at least ten [10] working days before the filing deadline** if this notice is requested.

XIV. OTHER REQUIRED REPORTS

All candidates must file *pre-election* and *post-election* Reports of Campaign Contributions and Expenditures. These reports are filed **only** with the Electoral Board of the candidate's county or city of residence and are due even if no contributions are received nor expenditures made. In this case, **only** a *Report Of No Activity* must be filed. Forms are prescribed by, and available from, the State Board of Elections.

See Candidate Reporting Schedule for dates reports are due.

No certificate of election can be issued to any successful candidate who fails to file the required reports.

Exceptions - A candidate for local office who files an exemption form certifying that he has not and will not solicit or accept any contribution from any other person during the course of his campaign and has not and will not contribute or expend more than \$1,000 during the course of this campaign, is required to file reports of large pre-election contributions and a final report. A form for this purpose is prepared and distributed by the State Board of Elections.

Candidates for town council offices **in a town with a population of less than 25,000**, are exempt from the provisions of the Campaign Finance Disclosure Act.

XV. ORDER OF NAMES ON BALLOTS

In Primary Elections

Candidates appear on the ballot in the order in which they file. This is why no candidate may file earlier than Noon on March 23, 2004, nor later than 5:00 p.m. on April 9, 2004. If two or more candidates file at the same time, the order in which they appear will be determined by a drawing conducted by the Electoral Board of the county or city.

In General and Special Elections

The candidates of political parties appear first on the ballot in the order determined by a drawing conducted by the State Board of Elections. Non-partisan or independent candidates appear in alphabetical order following the candidates of political parties.

In multi-seat districts, if more than one candidate is nominated by the same party or more than one independent candidate qualified, such candidates appear alphabetically within their party groups.

XVI. THE SUCCESSFUL CANDIDATE

Any successful candidate for a constitutional office or, for any other office in **counties, cities and towns having a population in excess of 3,500**, must file, as a condition to assuming office, with the **Clerk of the Board of Supervisors** or the **Clerk of the School Board** or the **Clerk of the City or Town Council** as appropriate, a **second** Statement of Economic Interests as required by §§ 2.2-3115 and 2.2-3116 of the *Code of Virginia* **prior to taking office**, and annually thereafter by January 15 of each year. Forms are prescribed by the Secretary of the Commonwealth and should be available from the appropriate Clerk.

The successful candidate in a *general election* is required by law to qualify and take the oath of office on or before the term of office begins or, for a county, city or town governing body or school board, no later than the initial meeting of the city or town council or school board.

The successful candidate in a *special election*, is required by law to qualify and take the oath of office within thirty days of the election.

Failure to qualify in a timely manner creates a vacancy in the office.

XVII. FREQUENTLY ASKED QUESTIONS

1. Who may circulate a candidate's petitions?

A candidate may circulate his own petitions but is not required to do so. A candidate's petitions may be circulated by any person who is, or who is eligible to be, a qualified voter of the election district. See Item VI D1 herein for details.

The circulator must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The circulator can **NEVER** leave the petition unattended, i.e., left on the counter at a grocery store, restaurant, etc.

2. I am circulating a petition for a candidate. May I also sign as a qualified voter the petition that I am circulating?

I am a Notary circulating petitions for a candidate. May I notarize the petition pages I circulate?

NO TO BOTH. The person circulating the petition must swear, under oath, that he **personally witnessed** the affixing of the signatures on the petition and no person can witness his own signature.

3. I am a candidate and a Notary. May I notarize the petition pages circulated by other persons?

NO. § 47.1-30 of the *Code of Virginia* prohibits a notary from performing a notarial act on any document in which the notary or his spouse is a party, **or** in which either of them has a direct beneficial interest.

Any Notary who violates these provisions is considered guilty of official misconduct, may be removed from office and may be subject to other penalties.

4. I work for the federal government. Can I be a candidate?

Pursuant to the federal law commonly known as the Hatch Act, you may be a candidate in a **non-partisan election** or, if you live in the Counties of Arlington, Fairfax, Loudoun, Prince William, Spotsylvania or Stafford or the Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park or Portsmouth, you may be an **independent candidate for local office in a partisan election**. An election is considered partisan if any of the candidates for the office you would seek are nominated by a political party.

XVII. FREQUENTLY ASKED QUESTIONS (continued)

4. I work for the federal government. Can I be a candidate? (continued)

To determine whether you might also be affected by the rules and regulations of the agency for which you work, **contact your personnel officer.**

It should also be noted that most employees of the legislative branch of the federal government are not covered by the Hatch Act but may be affected by other rules and regulations.

5. I work for the state or a local government. Can I be a candidate?

Some state and local government employees **are prohibited** from being candidates. You may be so prohibited if your Agency receives federal funds. **Contact the personnel officer where you work.** If necessary, present the facts of your case in writing, including the office you wish to seek, to the **Office of the Special Counsel**, 1730 M Street NW, Suite 300, Washington, D. C. 20036. That office will determine if you are affected by the Hatch Act.

Most state and local government employees are not prohibited by law from being a candidate. However, you may be affected by the rules and regulations of the agency or ordinances of the government for which you work. **Contact your personnel officer.**

6. I do business with my local government. Am I prohibited from holding office on its governing body due to a conflict of interest?

Contact an attorney as to whether the provisions of the State and Local Government Conflict of Interests Act [§§ 2.2-3100 through 2.2-3127 of the *Code of Virginia*] might affect your ability to hold the office you intend to seek.

7. I am an employee of the school board. Can I be a candidate for school board?

Yes, provided no local rules prohibit the candidacy but, if elected, you must resign the employee position held. An employee of the school board **may not serve** on that school board.

8. Can a political party endorse a candidate for elected school board?

YES. Endorsements **do not constitute** nomination by the political party.